

STATE OF IOWA



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To: Government Oversight Committee
From: William P. Angrick II, Citizens' Aide/Ombudsman
Date: October 18, 2005
Re: Public Records Law Changes

The Citizens' Aide/Ombudsman's Office investigated some inconsistent interpretations of the Public Records Law. As a result, we proposed a change in Iowa Code section 22.3 regarding access to records, and the fees an agency may charge for retrieval and copying public records. During the 2005 General Assembly, we proposed SF 403 which was passed by both houses and signed into law by the Governor. I believe this was a positive step to ensuring good government by clarifying the overall intent of the Public Records Law. Following is a [Des Moines Register](#) article about the new law.

Twin victories for public access

By [REGISTER EDITORIAL BOARD](#)

May 4, 2005

As they try to wrap up the session, Iowa Senate and House leaders have been at loggerheads over the budget, but they were in agreement on assuring greater public access to government meetings and records.

Both houses passed a records-access bill (SF 403) providing that: 1) the public can make a request for a public record with a government agency by phone, mail or e-mail, as well as in person; 2) public records can be delivered by mail or electronically to the person making the request; 3) fees charged for public records may cover only actual costs, meaning the full cost of the agency's record-keeping overhead may not be charged for every record released.

This is an important improvement in public access to government records. Responsive governments already fulfill record requests over the phone and send

documents by mail or e-mail if requested. But the law didn't require it. So governments could require citizens to drive to the county courthouse or city hall to formally put in a request or to pick up a copy, a tactic that could be used to discourage records requests.

Both houses also passed a law (HF 772) that removes public officials from office if they are found guilty of two violations of the open-meetings or records laws. It was signed into law by Gov. Tom Vilsack on Tuesday. The previous statute had provided for removal after three violations. The change sends a clear message that the law means what it says and that repeated violations won't be tolerated.

At times, the Iowa Legislature has approached public access from the perspective that government information should be protected from snooping citizens. These two bills offer refreshing evidence that lawmakers have come to see it as a matter of protecting the public's right to monitor their government.